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**Arnold
Schwarzenegger**
Governor

TO: Charlie Hoppin, Chair
State Water Resources Control Board

FROM: Pamela C. Creedon
Executive Officer

DATE: 26 July 2010

SIGNATURE: Original signed by Pamela Creedon

REPORT FOR MEMORANDUM OF UNDERSTANDING (MOU) PILOT PROGRAM

The Memorandum of Understanding (MOU) between the Central Valley Regional Water Quality Control Board (Central Valley Water Board), the State Water Resources Control Board, the California Department of Pesticide Regulation, and the Agricultural Commissioners of Glenn County and Butte County requires the staff liaisons from the Regional Water Board and the Agricultural Commissioners of Glenn County and Butte County to submit Quarterly Reports of the activities performed under the MOU Pilot Program.

The attached reports are summaries of the MOU Pilot Program activities performed from April to June 2010. The tasks were performed in accordance with a Work Plan for fiscal year 2009-2010. The Agricultural Commissioners and their staff continue to support the Irrigated Lands Regulatory Program (ILRP) in outreach, communications and compliance.

If you have questions regarding this Report, please contact me at (916) 464-4639, or Joe Karkoski at (916) 464-4668.

cc with Attachments A-C:

Ms. Dorothy Rice, Executive Director, State Water Resources Control Board
Mr. Tom Howard, Chief Deputy Director, State Water Resources Control Board
Ms. Mary-Ann Warmerdam, Director, Department of Pesticide Regulation
Mr. John Sanders, Chief, Department of Pesticide Regulation
Mr. Tom Babb, Agricultural Commissioner Liaison, Department of Pesticide Regulation
Mr. Mark Black, Agricultural Commissioner, Glenn County
Mr. Richard Price, Agricultural Commissioner, Butte County
Mr. Johnny Gonzales, Program Manager, State Water Resources Control Board

ATTACHMENT A

MOU PILOT PROGRAM QUARTERLY REPORT CENTRAL VALLEY REGIONAL WATER BOARD APRIL - JUNE 2010

This document is the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) report summarizing the activities of the Butte and Glenn County Agricultural Commissioners in the second quarter of 2010 under the Memorandum of Understanding (MOU) Pilot Program. Work performed by the Agricultural Commissioners and staff follows a Work Plan that was developed to support the Irrigated Lands Regulatory Program (ILRP) as it moves closer to a long-term alternative.

Program Support from Agricultural Commissioners and their Staff

The Work Plan outlines tasks to provide information on data sharing, minimum training requirements for GIS data manipulation, problems in communications and information transfers, and the means and time required to establish a working relationship with other agencies that can be utilized under the long-term alternatives.

The following activities are noted in the Work Plan for the Butte and Glenn County Agricultural Commissioners and staff:

- Providing field support to the ILRP by inspecting growers' irrigated agricultural lands to confirm non-discharge.
- Providing technical support for ILRP prior to mailings.
- Providing outreach and information.
- Exchanging methodology and techniques for GIS database.

Attachments B and C from the Butte County and Glenn County Agricultural Commissioners, respectively, contain further information of work performed in accordance with the Work Plan.

On 24 May, staff from the Butte County and Glenn County Agricultural Commissioners gave a presentation to the ILRP Compliance and Outreach Unit describing their GIS database and capabilities. A discussion of how best to exchange information between the ILRP and the Agricultural Commissioners ensued. Differences in database information, such as township/section/range for pesticide reporting and the ILRP use of parcel numbers to identify land owners, were noted and discussed. Difficulties in moving information between the two Agricultural Commissioners Offices were evident due to lack of software licensing, the level of expertise, and the limited resources at each county.

Both counties have been involved in examining mail-out lists for the ILRP. Butte County Agricultural Commissioner staff was able to identify owners/parcels that should be dropped from the postcard mail-out list as rice growers (covered by the California Rice Commissioner) or non-commercial agriculture property. This screening increases the efficiency of staff time and resources.

Central Valley Water Board Staff Activities under the MOU Pilot Program

The Central Valley Water Board liaison initiated the contact between the ILRP Compliance and Outreach Unit and the Agricultural Commissioners. The staff liaison monitored the progress of the Work Plan and MOU Pilot Program contracts. Contract amendments for extension of the existing contracts to 31 December 2010 with no additional costs were submitted after additional funding was denied.

Program Status

Both the Glenn County and Butte County contracts have been extended at no additional cost to 31 December.

Recommendations

Means of funding the role of the County Agricultural Commissioners (CACs) should be explored as part of the long-term ILRP. As the primary agents for the Pesticide Use Reporting and on-the-ground enforcement for DPR, the CACs will have a role in the long-term ILRP.

ATTACHMENT B

MOU PILOT PROGRAM QUARTERLY REPORT BUTTE COUNTY DEPARTMENT OF AGRICULTURE

April - June 2010

As required by contract # 07-079-150-2, the Butte County Department of Agriculture (Ag Department) is to provide the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) with a quarterly report of activities as it relates to the scope of work for the Irrigated Lands Regulatory Program (ILRP) contract.

Summary of Activities:

Activities this quarter have focused on a variety of MOU and Work Plan items.

Mapping:

The Butte County - ILRP Geographical Information System (GIS) map project continues to be updated.

The Butte-Yuba-Sutter (BYS) Watershed membership list provided by Central Valley Water Board staff was evaluated for data anomalies and errors. The BYS participation list consists of 3022 data lines. The Ag Department GIS technician converted this list of assessor's parcel numbers (APNs) into a digital map layer display of parcel shape. There were 82 entries from the list that had no corresponding APNs. Forty-nine (49) entries had duplicate APNs and 91 entries had APNs which do not exist in the Butte County APN data base and may be parcels in Yuba or Sutter County. The remaining 2800 parcels are represented in the BYS watershed participation layer.

Other component layers of the Butte Mapping project include:

- A layer outlining the areas where Management Practice surveys were done.
- All the Farm Pesticide inspections / Management Practice inspections
- Surface water sampling locations of the Sacramento Valley Water Quality Coalition (Coalition), California Rice Commission, and other surface water sampling project sites
- The 2009 Department of Water Resources updated county hydrology layer

Work continues on the Power Point presentation being created to demonstrate the mapping project components and results.

RWQCB ILRP Participation List:

Work continued on the Central Valley Water Board developed list of potential agricultural lands without regulatory coverage. During this quarter, Ag Department Staff continued to reviewing the list (~1400 parcels). This review procedure evolved over a six month period. The list was made into a transparent APN map layer viewed over an aerial base map by the Butte County GIS technician. Eventually about 600 entries (of the 1400 parcel list) were evaluated to exclude non-production agricultural and rice land parcels and then returned to Central Valley Water Board staff.

On May 24, 2010 Butte and Glenn County Ag staff and Central Valley Water Board staff met to discuss the ILRP mailing list project and view a presentation of the Glenn County mapping project. As a result of that meeting and the scope of the Glenn County mapping project, it was determined that Butte County did not have to review the participation list any further.

Discharger / ILRP Participation Check off form

Work continues on the draft Ag Department ILRP check-off form. This form is proposed to be used by the Ag Department biologist during annual pesticide permit appointments as outreach, and as an ILRP/GIS data base up-date device.

Several field forms from various organizations have been evaluated as format source material (see the Jan-March summary for details). Clearly, the structure and content of this document is closely tied to the future of the long-term ILRP and the agricultural departments' role in the program. Format examples vary from one question: "*Are you a member of a Coalition Sub-watershed?*" to a whole page of ILRP-related items, discharger criteria and questions. A one page, fill-in the blank and check-off list, kind of document is the desirable format for department use.

ILRP Outreach:

Past ILRP quarterly reports for FY 2009-2010 were provided to Parry Klassen of the Coalition for Urban/Rural Environmental Stewardship (CURES) for an ILRP update article in the Watershed Coalition News.

Management Practices Farm Site Inspections:

One Farm, MP / Pesticide application inspection for the ILRP contract was performed in June at Kawasaki Farm orchards. This Agreement / Scope of Work task is now complete.

Recommendations:

During this last quarter the Butte Ag Department requested membership information (specifically, assessor's parcel numbers only) from the BYS sub-watershed manager. It was soon apparent that the BYS watershed manager did not have the authority to release the APN list. The Ag Department was directed to the Yuba County Farm Bureau director, Danielle Coleman (the keeper of the BYS membership list) to make the request. The request was denied.

Disclosure of the Coalition membership list to the Central Valley Water Board is required under the Conditional Waiver. So the Butte Ag Department requested and received the APN list from Central Valley Water Board staff.

The issues of concern here are communication and accessibility of data between cooperators under the ILRP, Conditional Waiver and associated MOUs. The County Agricultural Departments should not have to do an end-run around Coalition sub-watersheds to get access to basic data that flows freely between other cooperating organizations and stakeholders.

Concerning the sub-watersheds of the Coalition and access to their membership data, there are issues of organizational structure and administrative structure and data access issues that should be clearly defined and agreed upon. 1) A standardized organizational structure should support smooth interaction between the various entities. 2) The watershed manager is the logical contact point for information requests and that person should have authority to release basic information. These two issues should be required, if the watershed organization is to qualify as a representative of its constituents under the long-term ILRP.

Robert C. Hill
Deputy Agricultural Commissioner

ATTACHMENT C

MOU PILOT PROGRAM QUARTERLY REPORT GLENN COUNTY DEPARTMENT OF AGRICULTURE APRIL - JUNE 2010

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has adopted a Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Resolutions No. R5-2003-015 & R5-2006-0053) herein referred to as the Irrigated Lands Regulatory Program (ILRP). In an effort to integrate resources, a Memorandum of Understanding (MOU) between the California Department of Pesticide Regulation, the Agricultural Commissioners of Butte and Glenn Counties, the Central Valley Water Board and the State Water Resources Control Board was developed. This MOU applies to a pilot program initiated with Glenn and Butte Counties. These two counties, under the jurisdiction of the Central Valley Water Board, initiated activities throughout the Sacramento River Basin in support of the ILRP.

The initial contract 05-182-150-0 was entered into in July 2005 following development of the initial MOU. The current contract has been extended, with no additional cost, to 31 December 2010. The MOU was renewed in June 2007. The contract is the basis for cooperation between the Central Valley Water Board and the Glenn County Agricultural Commissioner (GCAC) to perform tasks requested by the Central Valley Water Board in support of the ILRP.

Task 1 – Mapping

As anticipated, in April 2010 GCAC Environmental Biologists completed updating the maps associated with pesticide permits utilizing the recently developed Ag GIS 3 program and the information was forwarded to the Contract Manager.

In a similar effort, the agricultural cropping information from Ag GIS 3 and parcel information in Arc View shape file format were collected from the Counties of Butte, Yuba, and Sutter, which correspond to the Butte-Yuba-Sutter Subwatershed of the Sacramento Valley Water Quality Coalition (SVWQC). All the information was compiled into an Arc View layered map project containing the following:

- County Boundaries with 2009 aerial imagery
- Agricultural cropping, with and without rice
- County Parcel Information
- Parcels likely to be irrigated agriculture
- Subwatershed participant and non-participant parcels

By turning different colored layers on and off and overlaying the layers, it was easy to see the level of participation by Subwatershed members based on the crops reported to the local Ag Commissioners office for pesticide use. Through a series of elimination, it was easy to narrow down the list of non-participant parcels that would need to be contacted to become either Subwatershed members or dischargers that would need to deal directly with the

Central Valley Water Board. This information was presented to Central Valley Water Board ILRP enforcement staff as well as the Contract Manager on May 24, 2010 at the Rancho Cordova office.

Task 4 - Outreach

In April, GCAC staff continued their ongoing outreach efforts with the local Colusa Glenn Subwatershed and the adjacent Butte-Yuba-Sutter Subwatershed by providing the watersheds and Ag Commissioners copies of the early draft participant parcel map discussed in the previous task.

In May, GCAC staff participated in the local Colusa Glenn Subwatershed Board of Directors quarterly meeting and presented the completed Subwatershed participant map now that Colusa County has its parcel information digitized.

In June GCAC staff assisted the Colusa Glenn Subwatershed with information for the development of the management plan for the Logan Creek watershed. GCAC staff also attended a three-day seminar sponsored by UC Davis and the Groundwater Resources Association of California where many topics relating to groundwater and water quality were presented.

Task 5- Other Work

Staff continues to participate in coordination with other agencies, and attended the quarterly meeting of the SVWQC in April.

Anticipated Next Quarter Activities

With the expected release of the Long Term Program EIR and the Central Valley Water Board staff recommendation at the end of July, it is anticipated Glenn County staff will provide review and comments as requested.

Conclusion/Recommendations

At this time the GCAC continues to look forward to working with the Central Valley Water Board on the tasks outlined by the contract manager for the remainder of the contract. As the Long Term Program and EIR move towards adoption, GCAC staff is prepared to participate in an agreed upon capacity under the terms of the contract and MOU.

In reviewing the Long Term Program alternative straw proposals, it is clear that 100% participation by dischargers will be required in order for the program to properly function and provide equity to all participants. It is understood at this time this task will be under the jurisdiction of the Central Valley Water Board. It is recommended that the Central Valley Water Board consider the mapping utility for participation outreach as discussed under Task 1 of this report. Cropping information provided by Ag Commissioners offices that utilize spatial pesticide permitting programs can be over-layed with participating/non-participating parcels. Based upon the crop type it can be determined the likelihood of whether or not the parcel belongs in the ILRP. Subwatersheds could perform this task if supported by local or Central Valley Water Board funding as an outreach component to increase the participation in

the ILRP. In this manner, Central Valley Water Board enforcement staff could concentrate their efforts in other areas of regulatory compliance mandated by the selected alternative.